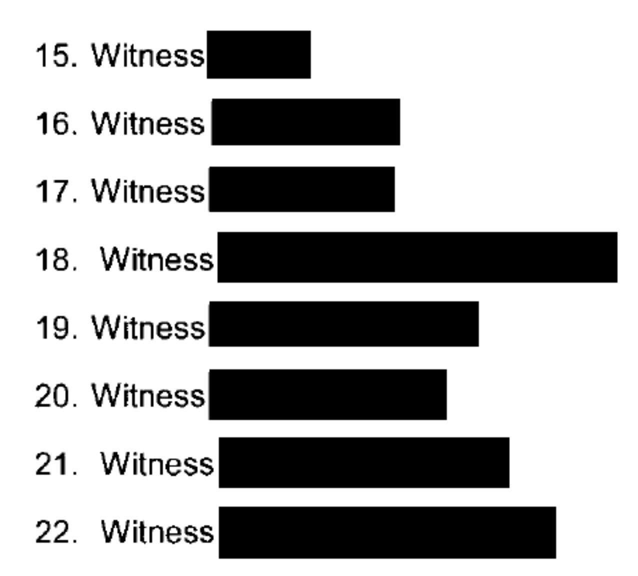
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SH 2418523 / FO 2512682



15. Witness [redacted]

16. Witness [redacted]

17. Witness [redacted]

18. Witness [redacted]

19. Witness [redacted]

20. Witness [redacted]

21. Witness [redacted]

22. Witness [redacted]

EXHIBITS

A. (1) CD containing Homicide Casebook Incident Report Number 016-09927-1511-013

B. Los Angeles County District Attorney's Office Letter of Opinion dated on February 27, 2020

C. (1) CD containing SCC dispatch, L-Tac, A-Tac frequencies recording, and 911 calls

D. (1) CD containing two cellphone videos of the shooting incident

E. (1) CD containing scene photographs and printed photographs

F. Scene photograph printout of weapon signed by Involved Employee Hernandez

G. Scene photograph printout of weapon signed by Involved Employee Casarez

H. Aerial photograph of scene location signed by Involved Employee Casarez

I. Printout of Witness [redacted] Snapchat message from [redacted]

MISCELLANEOUS DOCUMENTS

Involved Employee Deputy Hernandez' Training Records

Involved Employee Deputy Casarez' Training Records

Involved Employee Deputy Hernandez' Qualification Records

Involved Employee Deputy Casarez' Qualification Records

Pico Rivera Station AM Inservice dated on December 24, 2016

Pico Rivera Station PM Inservice dated on December 24, 2016

(11) Administrative Rights (Sworn & Non-Sworn) Force/Shooting Investigation Form

(6) Certified Mail Letters and Letter Receipts dated on July 30, 2020

Executive Department State of California – Executive Order N-40-20



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOSEPH P. ESPOSITO • Chief Deputy District Attorney
VICTORIA L. ADAMS • Assistant District Attorney

JAMES GARRISON • Director

February 27, 2020

CAPTAIN KENT WEGENER
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Re: Officer Involved Shooting of Zhonghua Li
J.S.I.D. File #16-0641
L.A.S.D. File # 016-09927-1511-013

Dear Captain Wegener:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the December 24, 2016, fatal shooting of Zhonghua Li by Los Angeles County Sheriff's Deputies Anthony Casarez and Jose Hernandez. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

SHANNON PRESBY
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy Anthony Casarez, #[redacted]
Deputy Jose Hernandez, #[redacted]

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MEMORANDUM

TO:	CAPTAIN KENT WEGENER Los Angeles County Sheriff's Department Homicide Bureau 1 Cupania Circle Monterey Park, California 91755
FROM:	JUSTICE SYSTEM INTEGRITY DIVISION Los Angeles County District Attorney's Office
SUBJECT:	Officer Involved Shooting of Zhonghua Li J.S.I.D. File #16-0641 L.A.S.D. File #016-09927-1511-013
DATE:	February 27, 2020

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the December 24, 2016, fatal shooting of Zhonghua Li by Los Angeles County Sheriff's Department (LASD) Deputies Anthony Casarez and Jose Hernandez. We have concluded that the deputies acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of the shooting at approximately 6:08 p.m., on December 24, 2016. The District Attorney Response Team (DART) responded to the location, and was given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, audio recordings, the autopsy report, crime scene diagrams and sketches, photographic and video evidence, and witness statements submitted by LASD Homicide Detectives Dave Gunner and Fredrick Morse.

FACTUAL ANALYSIS

Zhonghua Li lived with his [redacted] [redacted], their [redacted] and Li's [redacted], [redacted] [redacted], in a home on Greenglade Avenue in Pico Rivera. Li's family members indicated that from an early age Li exhibited symptoms of mental illness. Family members believed that Li was prescribed medication for a mental health condition, but were unsure what the medication was and provided no specific details about Li's condition.

On December 24, 2016, at about 4:30 p.m., Li's [redacted] left the house on foot out of concern for his own safety after Li threatened to assault [redacted]. According to [redacted] Li took a pair of scissors used by [redacted] to tailor clothing and left the house to go look for his [redacted] saying he was going to hurt him. [redacted] and [redacted] followed Li outside. Fearing that Li might cause harm to someone, [redacted] [redacted], called 9-1-1 to ask for a police response.

A [redacted], was walking in the area and heard a woman screaming. He looked over and saw Li shaking [redacted] by the arm. [redacted] intervened and Li released [redacted] Li briefly went inside a house where he hollered loudly. At [redacted] request, [redacted] remained on scene and placed a 9-1-1 call to request a police response using [redacted] phone, as [redacted] was not comfortable making such a call in English. Li emerged from the house with a pair of scissors in hand and walked toward the front door of another house. [redacted] yelled at Li. Li then turned and charged toward [redacted] with the scissors.[1] [redacted] intervened to stop Li from stabbing [redacted] Li then turned and attempted to stab [redacted] tripped Li, causing Li to fall down. Li managed to retain the scissors in his hand and regained his feet. Li came toward [redacted] again. [redacted] ran between cars to evade Li, who pursued [redacted] managed to turn a corner and get away while [redacted] distracted Li.

Li crossed the street and approached [redacted] front door, stating that he knew [redacted] was inside. Li began pounding on the door. [redacted] confronted Li on the porch and attempted to get him to leave. While doing so, she grabbed the hand that was holding the scissors and was cut.[2]

At approximately 4:49 p.m., Casarez and Hernandez responded to the 9-1-1 call in separate marked black and white patrol cars. Both deputies were in uniform. Initially dispatch communicated that there was a violent insane person in the neighborhood. While the deputies were in route, the information was updated to indicate that the person was stabbing family members with a pair of scissors. Both deputies arrived within moments of each other. Casarez parked his car on Greenglade Avenue near [redacted] house, and exited. Hernandez parked a few car lengths east of Casarez. Hernandez retrieved a stun bag shotgun from his trunk.

When Li saw the deputies, he began walking towards them. Casarez asked Li who he was, but Li ignored Casarez and walked past him. Casarez saw that Li was carrying a black-handled object with a blade. Several people in the area pointed at Li, indicating that he was the disturbing party. Casarez told Hernandez, "That's him," in reference to Li. Li walked quickly towards Hernandez carrying what Hernandez believed to be a knife.

When Li was ten to 15 feet from Hernandez, Hernandez yelled, "Stop! Stop! Drop it!" [redacted] and [redacted] understood the deputies were telling Li to stop, but both said Li kept walking towards the deputies with the scissors in his hand. Although not an English speaker, Li responded to Hernandez' commands by yelling back at Hernandez in a language Hernandez did not understand. According to [redacted] as Li advanced toward the deputies he spoke in Cantonese, saying he was not afraid of the police and wanted to "hit the police." [redacted] perceived from Li's advance and the manner in which he carried the scissors that he intended to harm the deputies.

Hernandez continued backing away from Li in an effort to keep a safe distance between them. Li had his eyes locked on Hernandez. Hernandez continued moving back as Li continued approaching with the scissors pointed at Hernandez. Casarez ran past Li, turned, and positioned

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[1] [redacted] was the only witness who described Li going inside a house and coming back out. While [redacted] appears to have first noticed the scissors when Li came back outside, [redacted] described Li as leaving their residence with scissors when Li left to pursue [redacted] which may indicate Li had the scissors earlier than when [redacted] first noticed them. Only one pair of scissors was recovered from the scene, indicating it was the same item described by both witnesses, although investigative reports did not clearly resolve this detail.

[2] A criminalist who later examined [redacted] found that she had a small cut to her right palm.

himself parallel with Hernandez to prevent a crossfire and also to provide a lethal backup in the event Hernandez' stun bag shotgun proved ineffective. Casarez drew his service weapon, backed up in tandem with Hernandez, and aimed at Li. See Figure 1 below.



Figure 1: Li continued advancing on Hernandez as both Casarez and Hernandez retreated.

Hernandez fired one round from the stun bag shotgun which struck Li in the torso and caused him to momentarily bend at the waist. Li then straightened up and continued to advance with the scissors still in hand. See Figure 2 below.



Figure 2: Li doubled over after being struck with first stun bag round fired by Hernandez. The cell phone video ends abruptly at this point.

Both deputies continued to give Li commands to stop and drop the knife.[3] Hernandez then fired a second stun bag round, which struck Li but did not stop his advance. A number of neighbors reported seeing Hernandez fire the two stun bag rounds.

Casarez stated that Li approached to within six to seven feet of Hernandez. Fearing for his partner's life, Casarez fired his service weapon at Li. Li did not stop. Casarez fired a second volley, and Li went to the ground. Casarez estimated that he fired a total of six to seven rounds.

[redacted] and [redacted] heard deputies tell Li to stop.

Hernandez realized that the stun bag rounds had no effect on Li and that Li was continuing to advance with a weapon. Hernandez dropped the stun bag shotgun, drew his service weapon, and fired an estimated three to five rounds at Li at approximately the same time that Casarez fired. Li collapsed.[4] Casarez issued a radio broadcast requesting additional LASD units and the Los Angeles County Fire Department (LACFD) respond to their location. Casarez and Hernandez waited for additional units to arrive before checking Li for weapons.

LACFD personnel arrived and began rendering aid to Li. Despite their life saving attempts, Li succumbed to his wounds and was pronounced dead at the scene.

Hernandez was armed with a Beretta 92FS 9mm semiautomatic pistol with a maximum capacity of 16 rounds, consisting of 15 rounds in the magazine and one round in the chamber. After the shooting, the Beretta was inspected and found to contain 12 rounds, consistent with Hernandez having fired four times. Casarez' Smith & Wesson M&P 9mm semiautomatic pistol has a capacity of 18 rounds, consisting of 17 rounds in the magazine and one round in the chamber. Casarez' weapon was inspected after the shooting and found to contain 11 rounds, consistent with Casarez having fired seven times. Eleven expended Winchester 9mm Luger cartridge cases were found in close proximity to the shooting.[5] The cartridge cases were of the same type and caliber as unexpended rounds found in the deputies' firearms, making the round count consistent with the number of expended shell casings.

Two expended stun bag rounds were found in close proximity to where Hernandez deployed the stun bag shotgun, along with two expended 12 gauge shot shells. A pair of scissors was located near Li's body.

Set forth below in Figure 3 is an image of the scissors used by Li during his assault on [redacted] and Hernandez.



Figure 3: Scissors recovered at the scene.

[4] Given that each deputy relayed a perception of Li collapsing in response to their firing their respective service weapons, it appears that the deputies fired simultaneously. Neither deputy reported being the first to fire, or firing in response to hearing his partner fire.

[5] LASD's Scientific Services Bureau did not provide microscopic comparisons of any shell casings in order to tie the casings to specific weapons.

On December 29, 2016, an autopsy was conducted by Deputy Medical Examiner Kevin Young, M.D. Dr. Young identified 11 different gunshot wounds, three of which were fatal, and opined multiple gunshot wounds as the cause of death. The first fatal wound penetrated Li's right chest, and traveled front to back and slightly upwards. The second fatal gunshot wound entered the right lateral chest, traveled right to left, and slightly back to front and downwards. The third fatal gunshot wound entered the mid-line back, traveled right to left, downwards, and slightly back to front. A toxicology examination did not detect the presence of any alcohol or controlled substances in Li's body.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if the person claiming the right actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also,* CALCRIM No. 505. In evaluating whether a police officer's use of force was reasonable, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations: "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight. . . . The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

A police officer may use reasonable force to effect an arrest, prevent escape, or overcome resistance of a person the officer believes has committed a crime. Penal Code § 835a. An officer "may use all the force that appears to him to be necessary to overcome all resistance, even to the taking of life; [an officer is justified in taking a life if] the resistance [is] such as appears to the officer likely to inflict great bodily injury upon himself or those acting with him." *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1146. A killing of a suspect by a law enforcement officer is lawful if it was: (1) committed while performing a legal duty; (2) the killing was necessary to accomplish that duty; and (3) the officer had probable cause to believe that (a) the decedent posed a threat of serious physical harm to the officer or others, or (b) that the decedent had committed a forcible and atrocious crime. CALCRIM No. 507, Penal Code § 196. A forcible and atrocious crime is one which threatens death or serious bodily harm. *Kortum v. Alkire* (1977) 69 Cal.App.3d 325, 333.

In protecting oneself or another, a person may use all the force which that person believes reasonably necessary and that would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

An officer has "probable cause" in this context when he knows facts which would "persuade someone of reasonable caution that the other person is going to cause serious physical harm to another." CALCRIM No. 507. When acting under Penal Code § 196, the officer may use only

so much force as a reasonable person would find necessary under the circumstances. *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1147. The officer may only resort to deadly force when the resistance of the person being taken into custody "appears to the officer likely to inflict great bodily injury on himself or those acting with him." *Id.* at 1146; quoting *People v. Bond* (1910) 13 Cal.App. 175, 189-190. The prosecution has the burden of proving beyond a reasonable doubt that a killing was not justified. CALCRIM Nos. 505, 507. As noted by one California appellate opinion, "[w]here the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." *People v. Collins* (1961) 189 Cal.App.2d 575, 589.

In the present case, Li attacked his neighbor with a pair of scissors and was behaving in a dangerous and erratic manner. The information provided to the responding deputies put them on notice that Li posed a serious risk of harm to others. When Casarez and Hernandez encountered Li, he immediately became hostile and advanced aggressively towards one of them with a weapon in hand. Li did not respond to commands to stop or drop the weapon. While not an English speaker, comments attributed to Li in response to commands indicate that Li intended to harm the deputies. Hernandez attempted to subdue Li with nonlethal measures, but was unsuccessful. Li's armed advance presented an immediate danger of great bodily injury or death. The deputies' use of lethal force in these circumstances embodied the type of scenario referenced by the *Graham* court when it spoke of swift peril and dangerous and rapidly evolving situations. Given the situation presented, the deputies were justified in resorting to lethal force in responding to Li's threat.

CONCLUSION

We find that Deputies Casarez and Hernandez acted in lawful self-defense and defense of others when they used deadly force against Zhonghua Li. We are closing our file and will take no further action in this matter.